

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket

NL 020616

Confirmation No. 6800

Group Art Unit: 2629

Examiner: CARTER III, R.E.

Title: AUTOMATICALLY ADAPTABLE VIRTUAL KEYBOARD

Mail Stop Appeal Brief-Patents
Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANT'S REPLY BRIEF

Sir:

In response to the Examiner's Answers mailed on May 26, 2009,
please consider the following remarks:

REMARKS

Appellant appreciates the indication that U.S. Patent No. 7,042,442 is incorrectly referred to as Kanvesky in the Appeal Brief filed on April 15, 2009, where the correct spelling is Kanevsky, and the indication that claims 13-14 are rejected over Hatakeyama in view of Kanevsky and further in view of Gantenbein. In addition, Appellant maintains the arguments submitted in the Appeal Brief filed on April 15, 2009 which is incorporated herein by reference. Further, Appellant refutes the allegations made in the Examiner's Answer of May 26, 2009.

For example, pages 4 and 14-16 of the Examiner's Answer of May 26, 2009, states that Hatakeyama discloses recognizing a key stroke by analyzing a relative position of a zone touched by a finger causing a higher force on the touch-sensitive member relative to positions of zones previously touched by other fingers with a lower force. Accordingly, it is alleged that Hatakeyama discloses all the features recited independent claims 10-11 and 18, except for recognizes a key stroke by analyzing a relative position of a zone

touched by a finger causing a higher force on the touch-sensitive member relative to positions of zones concurrently touched by other fingers with a lower force. Assuming, arguendo, that this allegation is correct, Kanevsky is cited in an attempt to remedy the deficiencies in Hatakeyama.

In particular, Kanevsky is relied on to show the "concept of continually updating the key position." (Examiner's Answer, page 15, lines 3-4) It is alleged that applying the concept of continually updating the key position to Hatakeyama transforms the teaching of Hatakeyama from:

recognizing a key stroke by analyzing the relative positions of a currently touched zone with a higher force relative to positions of zones previously touched by other fingers with a lower force, to:

recognizing a key stroke by analyzing the relative positions of zones concurrently touched by fingers with different amounts of force.

It is respectfully respected that there is a large leap of faith in this logic where merely continually updating the key position transforms recognizing a key stroke based on different

forces between currently and previously touched zones by fingers, to recognizing a key stroke based on different forces applied to zones concurrently touched by fingers.

One skilled in the art simply could not come to the conclusion or realization, absent using the present invention as a road map and impermissible hindsight, that the combination of recognizing a key stroke based on different forces between currently and previously touched zones by fingers, as disclosed in Hatakeyama, and continually monitoring and updating the key position as disclosed in Kanevsky, leads to recognizing a key stroke based on different forces applied to zones concurrently touched by fingers, as recited in independent claims 10-11 and 18.

Rather, the combination of Hatakeyama and Kanevsky just discloses to continually monitor and update key positions in a system where a key stroke is recognized based on different forces between currently and previously touched zones by fingers. Such a disclosure does not teach or suggest the present invention as recited in independent claim 10, and similarly recited in independent claims 11 and 18, which, amongst other patentable elements, recites (illustrative emphasis provided):

a stroke recognition means which recognizes a key stroke by analyzing a relative position of a zone touched by a finger causing a higher force on the touch-sensitive member relative to positions of zones concurrently touched by other fingers with a lower force, such that the key stroke is determined by the relative position of the higher force touched zone relative to the lower force concurrently touched.

Accordingly, it is respectfully requested that independent claims 10-11 and 18 be allowed. In addition, it is respectfully submitted that Claims 3-6, 12-15 and 19 should also be allowed at least based on its dependence from independent claims 10-11 and 18.


In addition, Appellant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Appellant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

CONCLUSION

Claims 3-6, 10-15 and 18-19 are patentable over Hatakeyama, Kanevsky and Gantenbein.

Thus, the Examiner's rejections of claims 3-6, 10-15 and 18-19 should be reversed.

Respectfully submitted,

By 
Dicran Halajian, Reg. 39,703
Attorney for Applicant(s)
July 27, 2009

THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101